

## REMARKS

Reconsideration and allowance of the subject application are respectfully solicited.

Claims 1 through 37 are pending, with Claims 1, 11, 17, and 27 being independent. Claims 11 and 37 have been amended.

The Official Action has refused to acknowledge receipt of the certified copy of the priority document, despite the filing of a postcard receipt proving that we timely filed the same. MPEP 503. This refusal is respectfully traversed in view of that MPEP section. Nonetheless, Applicant has ordered a second certified copy and plans to file the same upon receipt. Favorable consideration is earnestly solicited.

Claims 1 through 37 were rejected under 35 U.S.C. § 112, 1<sup>st</sup> paragraph, as lacking written description on the grounds that “at least one management function in a computer executable language for navigation in the image” is not supported. All rejections are respectfully traversed. Applicant respectfully submits that the objected-to language is supported by the specification at, e.g., page 11, lines 5 through 17, which state that the management functions are written in the SWF file by the content creation software, that the management functions define how the client terminal should respond to a user attempt to navigate, and that the ActionScript language is used. Applicant respectfully submits that the artisan would have recognized that the ActionScript language is a computer executable language as required by the claim. In view of the foregoing, it is respectfully submitted that the artisan would have thought that Applicant was in possession of the claimed invention. MPEP 2163.02, 2163.04.

Claim 37 was rejected under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph, as allegedly omitting essential elements, on the grounds that there is no recitation of having the program cause the microprocessor to perform the method, and Claims 11 through 16, 35, and 37 were rejected under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph, on the grounds that “at least one management” should read --at least one management function--. All rejections are respectfully traversed, and are submitted to have been obviated by the amendment of the claim to recite said features.

Claim 37 was rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. All rejections are respectfully traversed, and are submitted to have been obviated by the amendment of the claim to recite that the readable means causes the microprocessor or computer to effect the method, which cause-and-effect recitation defines per se statutory subject matter. This is because the claim is limited to a practical application in the technological arts. MPEP 2106. Applicants respectfully submit that the claimed method is not a natural phenomenon, abstract idea, law of nature, “descriptive material”, or “mere manipulation of abstract ideas”, but is a tangible form of matter that effects a practical result and therefore is statutory. *Id.*

Claims 1 through 37 were variously rejected under 35 U.S.C. §§ 102 and 103 over the Ang, et al. article and U.S. Patent Appln. No. 2002/0105531 A1 (Niemi), both of which were applied in the last Official Action, and further in view of Applicants’ own specification. All rejections are respectfully traversed.

Claims 1, 11, 17, and 27 variously recite, inter alia, at least one management function in a computer-executable language for navigation in the image (in combination with the characteristics of the at least one zoomable area).

However, Applicant respectfully submits that none of Ang, et al., Niemi and the Applicant's specification, even in the proposed combinations, assuming, arguendo, that the documents could be combined, discloses or suggests at least the above-discussed claimed features as recited, inter alia, in Claims 1, 11, 17, and 27.

The Official Action states that Ang, et al.'s polymap instructions and Niemi's "drawing of the frame" constitute the claimed management function in a computer-executable language for navigation. This statement is respectfully traversed. Applicant respectfully submits that neither the foregoing nor the remainder of Ang, et al. and Niemi provides either a description or a suggestion of at least the above-discussed claimed features as recited, inter alia, in Claims 1, 11, 17, and 27. In this regard, Applicant respectfully notes that said features require both the characteristics and the function, and Applicant respectfully submits that the Official Action does not identify where both distinct features can be found in the cited documents.

It is further respectfully submitted that there has been no showing of any indication of motivation in the cited documents that would lead one having ordinary skill in the art to arrive at such claimed features.

The dependent claims are also submitted to be patentable because they set forth additional aspects of the present invention and are dependent from independent claims

discussed above. Therefore, separate and individual consideration of each dependent claim is respectfully requested.

This Amendment After Final Rejection is an earnest attempt to advance prosecution and reduce the number of issues, and is believed to clearly place this application in condition for allowance. Furthermore, Applicant respectfully submits that a full appreciation of these amendments will not require undue time or effort given the Examiner's familiarity with this application. Moreover, this Amendment was not earlier presented because Applicant earnestly believed that the prior Amendment placed the subject application in condition for allowance. Accordingly, entry of this Amendment under 37 C.F.R. § 1.116 is respectfully requested.

Applicant submits that this application is in condition for allowance, and a Notice of Allowance is respectfully requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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